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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/656,787      | 09/05/2003  | Denis Alan De Shon   |                     | 8964             |

7590 05/20/2005  
DENIS ALAN DE SHON  
7242 SEVEN OAKS AVENUE  
BATON ROUGE, LA 70806

EXAMINER

LAVARIAS, ARNEL C

ART UNIT PAPER NUMBER

2872

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|

10/656 787

9/5/03

De Shon

EXAMINER

Lavarías

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| ART UNIT | PAPER |
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1872

20050516

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached.

# Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

10/656,787

Examiner

Arnel C. Lavarias

Applicant(s)

DE SHON, DENIS ALAN

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 07 March 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 4(e) Other: ALL claim text that have been added with respect to the original claim has not been shown by underlining the added text. ALL claim text that have been deleted with respect to the original claim has not been shown by strikethrough of the deleted text. The signature requirement for submitting an amendment does not appear to be satisfied, as per MPEP 714.01 and 37 CFR 1.4.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments and responses filed on 7/20/04, 8/31/04, 11/19/04, 2/7/05, and 3/7/05 are not fully responsive to the prior Office Action dated 8/19/04 because of the following omission(s) or matter(s):

The proposed amendments to the specification, abstract, claims, and drawings in submissions filed 7/20/04, 8/31/04, 11/19/04, 2/7/05, and 3/7/05 fail to comply with the requirements as set forth in MPEP 714.02 and 37 CFR 1.121. The Applicant is advised to review the following sections when making amendments to the specification, abstract, claims, and drawings:

37 CFR 1.121(b)- regarding proposed amendments to the specification and abstract of the disclosure

37 CFR 1.121(c)- regarding proposed amendments to the claims

37 CFR 1.121(d)- regarding proposed amendments to the drawings.

2. The following is a synopsis of the problems found in the submissions filed 7/20/04, 8/31/04, 11/19/04, 2/7/05, and 3/7/05:

*7/20/04 amendment:* Proposed amendments were made to portions of the specification, but lack the appropriate markings for text that was added with respect to the original specification by way of amendment, as per 37 CFR 1.121(b). Further, proposed

amendments were made to Figure 1 of the disclosure, but the new drawing lacks the appropriate heading, as per 37 CFR 1.121(d). This amendment will not be entered into the record in its entirety since it is not in compliance with MPEP 714.02 and 37 CFR 1.121.

*8/31/04 amendment:* Proposed amendments were made to portions of the specification, but lack the appropriate markings for text that was added and deleted with respect to the original specification by way of amendment, as per 37 CFR 1.121(b). It also appears that the sole claim was amended, but the amendments to the claim lack a status identifier, as well as the appropriate markings for claim text that was added and deleted with respect to the original claim by way of amendment, as per 37 CFR 1.121(c). Finally, amendments appear to have been made to the abstract of the disclosure, but the amendments lack the appropriate markings for text that was added and deleted with respect to the original abstract by way of amendment, as per 37 CFR 1.121(b). The signature requirement for submitting an amendment, as per MPEP 714.01 and 37 CFR 1.4, also does not appear to be satisfied. This amendment will not be entered into the record in its entirety since it is not in compliance with MPEP 714.02 and 37 CFR 1.121.

*11/19/04 amendment:* Although the proposed amendments in the 11/19/04 submission appear to comply with MPEP 714.02 and 37 CFR 1.121, this amendment will not be entered into the record in its entirety since none of the previously proposed amendments were in compliance with MPEP 714.02 and 37 CFR 1.121. The signature requirement for submitting an amendment, as per MPEP 714.01 and 37 CFR 1.4, also does not appear to be satisfied.

Art Unit: 2872

*2/7/05 amendment:* Proposed amendments were made to the sole claim, but the amendments to the claim lack a status identifier, as well as the appropriate markings for claim text that was added and deleted with respect to the original claim by way of amendment, as per 37 CFR 1.121(c). Amendments also appear to have been made to the abstract of the disclosure, but the amendments lack the appropriate markings for text that was added and deleted with respect to the original specification by way of amendment, as per 37 CFR 1.121(b). Proposed amendments were made to Figure 1 of the disclosure, but the new drawing lacks the appropriate heading, as per 37 CFR 1.121(d). The signature requirement for submitting an amendment, as per MPEP 714.01 and 37 CFR 1.4, also does not appear to be satisfied. This amendment will not be entered into the record in its entirety since it is not in compliance with MPEP 714.02 and 37 CFR 1.121.

*3/7/05 amendment:* Proposed amendments were made to the sole claim, but the amendments to the claim lack the appropriate markings for claim text that was added and deleted with respect to the original claim by way of amendment, as per 37 CFR 1.121(c). The signature requirement for submitting an amendment, as per MPEP 714.01 and 37 CFR 1.4, also does not appear to be satisfied. The submission of a substitute oath or declaration is noted. This amendment will not be entered into the record in its entirety since it is not in compliance with MPEP 714.02 and 37 CFR 1.121.

3. As noted above, none of the previously submitted proposed amendments will be entered into the record in its entirety since none were in compliance with MPEP 714.02 and 37 CFR 1.121. To be fully responsive to this Office Action, as well as to the Office

Art Unit: 2872

Action on the merits, dated 8/19/04, Applicant is required to submit a complete response, including all proposed amendments, corrections, additions, and deletions to the claims, specification, abstract, and drawings, as well as any remarks and arguments with respect to any claim objections and rejections set forth in the Office Action dated 8/19/04.

Proposed amendments, corrections, additions, and deletions to the claims, specification, abstract, and drawings should be made without introducing new matter into the originally filed application.

4. It is further noted that all amendments must be clearly signed by a person having authority to prosecute the application, as set forth in MPEP 714.01 and 37 CFR 1.4.
5. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

#### ***Contact***

6. The Applicant is **urged** to contact the **Inventor Assistance Center** at **800-PTO-9199** if there are any questions with regard to submitting a proper response to this Office Action and to the Office Action dated 8/19/04.
7. The Applicant is also **urged** to contact the Examiner's supervisor, **Drew Dunn**, at **571-272-2312** if Applicant requires further assistance with regard to submitting a proper response to this Office Action and to the Office Action dated 8/19/04.



***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias  
Patent Examiner  
Group Art unit 2872  
5/16/05